

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Larry D. Reid, et al.,

Plaintiffs,

– vs –

Darryl Moore,

Defendant.

Case No. 1:21-cv-00991

Judge James Gwin

Request for Entry of Default  
Against Defendant Darryl Moore

Plaintiffs Larry D. Reid and Larry Reid Live, L.L.C., and each of them, by and through undersigned counsel and pursuant to Fed. R. Civ. P. 55(a), hereby respectfully request that the Clerk enter a Default against Defendant Darryl Moore, the sole Defendant in this matter, for failure to answer or otherwise plead or move within the time permitted by Civil Rule 12 (a)(1)(A)(1). The bases for this Motion are as follows.

1. The Complaint (ECF No. 1) in this matter was filed on May 12, 2021, and thereafter a Summons (ECF No. 2) addressed to the Defendant was issued by the Clerk on May 13, 2021.

2. Undersigned counsel arranged for personal service of the Complaint, pursuant to Civil Rule 4 (c)(2) through a process server, Mark Berus, who is more than eighteen years of age and who is not a party to this action.

3. On May 19, 2021, Mr. Berus served the Defendant, Darryl Moore Sr. by leaving a copy at his home with a person of suitable age and discretion, to wit, the son of the Defendant, who is named Darryl Moore Jr., and whose receipt of the Summons and Complaint were attested to in a Return of Service (ECF No. 3) filed with the Court on May 24, 2021.<sup>1</sup>

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<sup>1</sup> It should be noted that counsel erroneously chose the wrong date for service using the pick-list-calendar on the ECF website, entering May 13, 2021 instead of May 19, 2021. This would in no way alter the notice provided by the Summons informing the Defendant of the time in which he was required to answer, plead or move.

4. Defendant Moore did **not**, prior to being served as described above, execute and return to undersigned counsel a Waiver of Service of Summons extending the period within which to answer the Complaint pursuant to Civil Rule 4(d)(3).

5. As of the date of this filing, Thursday, June 10, 2021, twenty-two (22) calendar days, including weekends and the Memorial Day holiday, have elapsed since Moore was served with the Summons and Complaint in the manner described above.

6. This period exceeds the twenty-one (21) day period within which a Defendant must answer, move or otherwise plead under Civil Rule 12 (a)(1)(A)(1), which period is calculated by including weekends and federal holidays pursuant to Civil Rule 6 (a)(1)(B).

7. As of the date and time of this filing, Defendant Moore has filed no Answer, Motion or other Responsive Pleading with the Court in the captioned action.

8. This Request is supported by the Declaration of Counsel attached as Exhibit 1 hereto, which supports each of the statements and averments contained in Paragraphs 1 to 7 above.

9. Wherefore, the Plaintiffs, and each of them, hereby Request that the Clerk place upon the docket of the Court, in the captioned matter, an Entry of Default as to Defendant Moore.

Respectfully submitted,

/s/ Raymond V. Vasvari, Jr.

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Counsel for the Plaintiffs

– CERTIFICATE OF SERVICE –

The foregoing Request for Entry of Default Against Defendant Darryl Moore was filed today, Thursday, June 10, 2021, via the Court's Electronic Filing System, and copies may be obtained through operation of the CM | ECF System. Service was made upon the unrepresented Defendant pursuant to Civil Rule 5(b)(2)(C), by sending it via First Class United States Mail, postage prepaid to the Defendant Darryl Moore<sup>3</sup> at his last known address, 24401 Russell Avenue, Euclid, Ohio 44123.

Respectfully submitted,

/s/ Raymond V. Vasvari, Jr.

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